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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,804	07/09/2003	Yue-Song He	AMD-H0517	2285
7590	05/24/2004		EXAMINER	
WAGNER, MURABITO & HAO LLP			BOOTH, RICHARD A	
Third Floor				
Two North Market Street			ART UNIT	PAPER NUMBER
San Jose, CA 95113			2812	

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/616,804	HE ET AL.
	Examiner Richard A. Booth	Art Unit 2812

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Tuan et al., U.S. Patent 6,617,636.

Tuan et al. shows the invention as claimed including a method for fabricating a memory device comprising: depositing a plurality of layers (108,124,98,128) upon a semiconductor substrate 150; patterning said plurality of layers to create a stack gate; and performing a RTO upon said stack gate to form oxide regions 1510, and further comprising creating a source region 144 wherein a first impurity concentration is deposited in said semiconductor substrate, and creating a drain region 134b wherein a second impurity concentration is deposited in said semiconductor substrate (see figs. 16-24A and col. 12-line 1 to col. 14-line 29).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nitta, U.S. Patent 6,582,998 in view of Fujishiro et al., US. Patent 5,294,571.

Nitta shows the invention substantially as claimed including a method of fabricating a flash memory device comprising: fabricating a gate structure comprising a tunnel oxide layer 13, a floating gate layer 14, an oxide layer 15, and a control gate layer 16 on a semiconductor substrate 11; and repairing said tunnel oxide layer using an oxidation process (see figs. 1A-1H and col. 4-line 1 to col. 5-line 63).

Nitta fails to expressly disclose where the oxidation process is a RTO process and the specific parameters used.

Fujishiro et al. discloses performing RTO rather than conventional thermal oxidation because the thermal budget is reduced (col. 1-line 61 to col. 2-line 62). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Nitta so as to perform RTO to repair the tunnel oxide because in such a way the thermal budget of the device fabrication will be reduced.

Concerning claims 2, 7, and 14, Nitta further comprises creating a source region 19 wherein a first impurity concentration is deposited in said semiconductor substrate, and creating a drain region 21A wherein a second impurity concentration is deposited in said semiconductor substrate.

Regarding claims 3, 9, and 15, it would have been a function of routine experimentation to determine the optimum length of the gate structure based upon a variety of factors including the amount of current to be carried and the desired device integration and such limitation would not lend patentability to the instant application absent the showing of unexpected results.

Regarding the specific time and temperature of the oxidation, it would have been obvious to one of ordinary skill in the art at the time the invention was made to determine through routine experimentation the optimum time and temperature to perform the oxidation based upon a variety of factors including the thickness of the oxide desired, and such limitation would not lend patentability to the instant application absent the showing of unexpected results.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard A. Booth whose telephone number is (571) 272-1668. The examiner can normally be reached on Monday-Thursday from 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling can be reached on (571) 272-1679. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard A. Booth
Primary Examiner
Art Unit 2812

May 17, 2004